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SENATE BILL 5319

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State of Washington

59th Legislature

2005 Regular Session

By Senators Oke, Doumit, Roach, Hargrove, Honeyford, Swecker, Schoesler, Rasmussen, Berkey, Delvin, Morton, Regala, Sheldon, Stevens, Johnson and Mulliken

Read first time 01/20/2005. Referred to Committee on Natural Resources, Ocean & Recreation.

1 AN ACT Relating to trapping; amending RCW 77.08.010, 77.15.194,  
2 77.65.450, 77.65.460, 77.32.545, and 77.15.198; adding new sections to  
3 chapter 77.12 RCW; repealing RCW 77.15.192; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.12 RCW  
6 to read as follows:

7 (1) The legislature finds that a professionally managed and  
8 regulated trapping program is not only vital to the health of  
9 Washington's wildlife populations, but is also consistent with the  
10 state's obligations to manage all natural resources in trust for the  
11 common good of all citizens.

12 (2) The legislature further finds that it is in the interest of all  
13 of the citizens of Washington to ensure that all trapping is done in  
14 accordance with sound scientific wildlife management principles using  
15 humane methods as set forth in this act. It is the legislature's  
16 intent to implement a sound furbearer management program, administered  
17 using sound science by the department of fish and wildlife, that  
18 addresses an animal problem as defined in RCW 77.08.010.

1 (3) The legislature further finds that humanely regulated trapping  
2 practices used to control animal problems contribute positively to the  
3 economic well-being of the state of Washington, to public health and  
4 welfare by assisting to control the spread of animal-borne disease, and  
5 to the protection of private and public property from damage resulting  
6 from uncontrolled animal populations.

7 (4) The legislature further finds that the sale, trade, or barter  
8 of wild animal pelts is consistent with the legislature's intent not to  
9 waste a valuable wildlife resource.

10 (5) The legislature recognizes that among the choices available for  
11 the trapping of animals, some may cause pain and suffering in the  
12 animals captured. The legislature further recognizes that some  
13 trapping methods can capture animals that are not targeted, including  
14 pets. It is the policy of the state of Washington to minimize the use  
15 of indiscriminate or painful traps and to use all traps humanely. When  
16 lethal trapping methods are used, such methods must be used in the most  
17 humane way that accomplishes the goal of reducing animal problems. All  
18 trappers in the state should use all practicable means necessary to  
19 avoid the capture of a nontargeted animal.

20 **Sec. 2.** RCW 77.08.010 and 2003 c 387 s 1 are each amended to read  
21 as follows:

22 As used in this title or rules adopted under this title, unless the  
23 context clearly requires otherwise:

24 (1) "Director" means the director of fish and wildlife.

25 (2) "Department" means the department of fish and wildlife.

26 (3) "Commission" means the state fish and wildlife commission.

27 (4) "Person" means and includes an individual; a corporation; a  
28 public or private entity or organization; a local, state, or federal  
29 agency; all business organizations, including corporations and  
30 partnerships; or a group of two or more individuals acting with a  
31 common purpose whether acting in an individual, representative, or  
32 official capacity.

33 (5) "Fish and wildlife officer" means a person appointed and  
34 commissioned by the director, with authority to enforce this title and  
35 rules adopted pursuant to this title, and other statutes as prescribed  
36 by the legislature. Fish and wildlife officer includes a person

1 commissioned before June 11, 1998, as a wildlife agent or a fisheries  
2 patrol officer.

3 (6) "Ex officio fish and wildlife officer" means a commissioned  
4 officer of a municipal, county, state, or federal agency having as its  
5 primary function the enforcement of criminal laws in general, while the  
6 officer is in the appropriate jurisdiction. The term "ex officio fish  
7 and wildlife officer" includes special agents of the national marine  
8 fisheries service, state parks commissioned officers, United States  
9 fish and wildlife special agents, department of natural resources  
10 enforcement officers, and United States forest service officers, while  
11 the agents and officers are within their respective jurisdictions.

12 (7) "To hunt" and its derivatives means an effort to kill, injure,  
13 capture, or harass a wild animal or wild bird.

14 (8) "To trap" and its derivatives means a method of hunting using  
15 devices to capture wild animals or wild birds.

16 (9) "To fish," "to harvest," and "to take," and their derivatives  
17 means an effort to kill, injure, harass, or catch a fish or shellfish.

18 (10) "Open season" means those times, manners of taking, and places  
19 or waters established by rule of the commission for the lawful hunting,  
20 fishing, taking, or possession of game animals, game birds, game fish,  
21 food fish, or shellfish that conform to the special restrictions or  
22 physical descriptions established by rule of the commission or that  
23 have otherwise been deemed legal to hunt, fish, take, harvest, or  
24 possess by rule of the commission. "Open season" includes the first  
25 and last days of the established time.

26 (11) "Closed season" means all times, manners of taking, and places  
27 or waters other than those established by rule of the commission as an  
28 open season. "Closed season" also means all hunting, fishing, taking,  
29 or possession of game animals, game birds, game fish, food fish, or  
30 shellfish that do not conform to the special restrictions or physical  
31 descriptions established by rule of the commission as an open season or  
32 that have not otherwise been deemed legal to hunt, fish, take, harvest,  
33 or possess by rule of the commission as an open season.

34 (12) "Closed area" means a place where the hunting of some or all  
35 species of wild animals or wild birds is prohibited.

36 (13) "Closed waters" means all or part of a lake, river, stream, or  
37 other body of water, where fishing or harvesting is prohibited.

1 (14) "Game reserve" means a closed area where hunting for all wild  
2 animals and wild birds is prohibited.

3 (15) "Bag limit" means the maximum number of game animals, game  
4 birds, or game fish which may be taken, caught, killed, or possessed by  
5 a person, as specified by rule of the commission for a particular  
6 period of time, or as to size, sex, or species.

7 (16) "Wildlife" means all species of the animal kingdom whose  
8 members exist in Washington in a wild state. This includes but is not  
9 limited to mammals, birds, reptiles, amphibians, fish, and  
10 invertebrates. The term "wildlife" does not include feral domestic  
11 mammals, old world rats and mice of the family Muridae of the order  
12 Rodentia, or those fish, shellfish, and marine invertebrates classified  
13 as food fish or shellfish by the director. The term "wildlife"  
14 includes all stages of development and the bodily parts of wildlife  
15 members.

16 (17) "Wild animals" means those species of the class Mammalia whose  
17 members exist in Washington in a wild state and the species *Rana*  
18 *catesbeiana* (bullfrog). The term "wild animal" does not include feral  
19 domestic mammals or old world rats and mice of the family Muridae of  
20 the order Rodentia.

21 (18) "Wild birds" means those species of the class Aves whose  
22 members exist in Washington in a wild state.

23 (19) "Protected wildlife" means wildlife designated by the  
24 commission that shall not be hunted or fished.

25 (20) "Endangered species" means wildlife designated by the  
26 commission as seriously threatened with extinction.

27 (21) "Game animals" means wild animals that shall not be hunted  
28 except as authorized by the commission.

29 (22) "Fur-bearing animals" means game animals that shall not be  
30 trapped except as authorized by the commission.

31 (23) "Game birds" means wild birds that shall not be hunted except  
32 as authorized by the commission.

33 (24) "Predatory birds" means wild birds that may be hunted  
34 throughout the year as authorized by the commission.

35 (25) "Deleterious exotic wildlife" means species of the animal  
36 kingdom not native to Washington and designated as dangerous to the  
37 environment or wildlife of the state.

1 (26) "Game farm" means property on which wildlife is held or raised  
2 for commercial purposes, trade, or gift. The term "game farm" does not  
3 include publicly owned facilities.

4 (27) "Person of disability" means a permanently disabled person who  
5 is not ambulatory without the assistance of a wheelchair, crutches, or  
6 similar devices.

7 (28) "Fish" includes all species classified as game fish or food  
8 fish by statute or rule, as well as all fin fish not currently  
9 classified as food fish or game fish if such species exist in state  
10 waters. The term "fish" includes all stages of development and the  
11 bodily parts of fish species.

12 (29) "Raffle" means an activity in which tickets bearing an  
13 individual number are sold for not more than twenty-five dollars each  
14 and in which a permit or permits are awarded to hunt or for access to  
15 hunt big game animals or wild turkeys on the basis of a drawing from  
16 the tickets by the person or persons conducting the raffle.

17 (30) "Youth" means a person fifteen years old for fishing and under  
18 sixteen years old for hunting.

19 (31) "Senior" means a person seventy years old or older.

20 (32) "License year" means the period of time for which a  
21 recreational license is valid. The license year begins April 1st, and  
22 ends March 31st.

23 (33) "Saltwater" means those marine waters seaward of river mouths.

24 (34) "Freshwater" means all waters not defined as saltwater  
25 including, but not limited to, rivers upstream of the river mouth,  
26 lakes, ponds, and reservoirs.

27 (35) "State waters" means all marine waters and fresh waters within  
28 ordinary high water lines and within the territorial boundaries of the  
29 state.

30 (36) "Offshore waters" means marine waters of the Pacific Ocean  
31 outside the territorial boundaries of the state, including the marine  
32 waters of other states and countries.

33 (37) "Concurrent waters of the Columbia river" means those waters  
34 of the Columbia river that coincide with the Washington-Oregon state  
35 boundary.

36 (38) "Resident" means a person who has maintained a permanent place  
37 of abode within the state for at least ninety days immediately

1 preceding an application for a license, has established by formal  
2 evidence an intent to continue residing within the state, and who is  
3 not licensed to hunt or fish as a resident in another state.

4 (39) "Nonresident" means a person who has not fulfilled the  
5 qualifications of a resident.

6 (40) "Shellfish" means those species of marine and freshwater  
7 invertebrates that have been classified and that shall not be taken  
8 except as authorized by rule of the commission. The term "shellfish"  
9 includes all stages of development and the bodily parts of shellfish  
10 species.

11 (41) "Commercial" means related to or connected with buying,  
12 selling, or bartering.

13 (42) "To process" and its derivatives mean preparing or preserving  
14 fish, wildlife, or shellfish.

15 (43) "Personal use" means for the private use of the individual  
16 taking the fish or shellfish and not for sale or barter.

17 (44) "Angling gear" means a line attached to a rod and reel capable  
18 of being held in hand while landing the fish or a hand-held line  
19 operated without rod or reel.

20 (45) "Fishery" means the taking of one or more particular species  
21 of fish or shellfish with particular gear in a particular geographical  
22 area.

23 (46) "Limited-entry license" means a license subject to a license  
24 limitation program established in chapter 77.70 RCW.

25 (47) "Seaweed" means marine aquatic plant species that are  
26 dependent upon the marine aquatic or tidal environment, and exist in  
27 either an attached or free floating form, and includes but is not  
28 limited to marine aquatic plants in the classes Chlorophyta,  
29 Phaeophyta, and Rhodophyta.

30 (48) "Trafficking" means offering, attempting to engage, or  
31 engaging in sale, barter, or purchase of fish, shellfish, wildlife, or  
32 deleterious exotic wildlife.

33 (49) "Invasive species" means a plant species or a nonnative animal  
34 species that either:

35 (a) Causes or may cause displacement of, or otherwise threatens,  
36 native species in their natural communities;

37 (b) Threatens or may threaten natural resources or their use in the  
38 state;

1 (c) Causes or may cause economic damage to commercial or  
2 recreational activities that are dependent upon state waters; or

3 (d) Threatens or harms human health.

4 (50) "Prohibited aquatic animal species" means an invasive species  
5 of the animal kingdom that has been classified as a prohibited aquatic  
6 animal species by the commission.

7 (51) "Regulated aquatic animal species" means a potentially  
8 invasive species of the animal kingdom that has been classified as a  
9 regulated aquatic animal species by the commission.

10 (52) "Unregulated aquatic animal species" means a nonnative animal  
11 species that has been classified as an unregulated aquatic animal  
12 species by the commission.

13 (53) "Unlisted aquatic animal species" means a nonnative animal  
14 species that has not been classified as a prohibited aquatic animal  
15 species, a regulated aquatic animal species, or an unregulated aquatic  
16 animal species by the commission.

17 (54) "Aquatic plant species" means an emergent, submersed,  
18 partially submersed, free-floating, or floating-leaving plant species  
19 that grows in or near a body of water or wetland.

20 (55) "Retail-eligible species" means commercially harvested salmon,  
21 crab, and sturgeon.

22 (56) "Body-gripping trap" means a steel trap that grips an animal's  
23 body or body part, including steel-jawed foothold trap, neck snare, or  
24 foot snare.

25 (57) "Raw fur" means a pelt that has not been processed for  
26 purposes of retail sale.

27 (58) "Animal problem" means damage, injury, or reasonable threat of  
28 damage or injury, caused by furbearing mammals, unclassified wildlife,  
29 or deleterious exotic wildlife to: Public or private property or  
30 resources; livestock or other domestic animals; or human health or  
31 safety.

32 (59) "Nuisance wildlife" means moles, mice, rats, mountain beavers,  
33 gophers, nutria, and other wildlife so designated by the commission by  
34 rule.

35 (60) "Nuisance bird problem" means damage, injury, or reasonable  
36 threat of damage or injury, caused by avian species to: Public or  
37 private property or resources; human health; or public safety.

1       (61) "Programmatic trapping permit" means a permit issued by the  
2 director for the following purposes: (a) For furbearer management unit  
3 purposes; (b) to prevent damage or injury, or a reasonable threat of  
4 damage or injury, to (i) public or private property or resources; (ii)  
5 livestock or other domestic animals; (iii) agricultural, timber, and  
6 horticultural resources; (iv) human health or safety; or (v) other  
7 purposes so designated by the commission by rule.

8       (62) "Conditional use trapping permit" means an emergency permit,  
9 limited to specific times, purposes, and areas, issued by the director  
10 to address unanticipated and immediate damage or injury to public or  
11 private property or resources or other purposes designated by the  
12 commission by rule.

13       (63) "Restricted use trapping permit" means a permit issued by the  
14 director to protect either sensitive or endangered species and habitat,  
15 or both, or other purposes designated by the commission by rule.

16       **Sec. 3.** RCW 77.15.194 and 2003 c 53 s 374 are each amended to read  
17 as follows:

18       It is the duty of every trapper to ensure that all trapping is done  
19 humanely. To ensure that this goal is met, all trappers must abide by  
20 the following:

21       (1) It is unlawful to use or authorize the use of any (~~steel-jawed~~  
22 ~~leghold trap, neck snare, or other~~) body-gripping trap to capture any  
23 mammal (~~for recreation or commerce in fur~~) without a permit issued by  
24 the director, except no trap with teeth or serrated edges may be  
25 permitted. The director may only issue a permit under this section for  
26 the purposes of addressing an animal problem, nuisance bird problem,  
27 capturing live raptors for falconry, for furbearer management program  
28 needs, or for conducting scientific research.

29       (2) It is unlawful to knowingly buy, sell, barter, or otherwise  
30 exchange, or offer to buy, sell, barter, or otherwise exchange the raw  
31 fur of a mammal or a mammal that has been trapped in (~~this state with~~  
32 ~~a steel-jawed leghold trap or any other body-gripping trap, whether or~~  
33 ~~not pursuant to permit.~~

34       ~~(3) It is unlawful to use or authorize the use of any steel-jawed~~  
35 ~~leghold trap or any other body-gripping trap to capture any animal,~~  
36 ~~except as provided in subsections (4) and (5) of this section.~~

1       ~~(4) Nothing in this section prohibits the use of a Conibear trap in~~  
2 ~~water, a padded leghold trap, or a nonstrangling type foot snare with~~  
3 ~~a special permit granted by the director under (a) through (d) of this~~  
4 ~~subsection. Issuance of the special permits shall be governed by rules~~  
5 ~~adopted by the department and in accordance with the requirements of~~  
6 ~~this section. Every person granted a special permit to use a trap or~~  
7 ~~device listed in this subsection shall check the trap or device at~~  
8 ~~least every twenty four hours.~~

9       ~~(a) Nothing in this section prohibits the director, in consultation~~  
10 ~~with the department of social and health services or the United States~~  
11 ~~department of health and human services from granting a permit to use~~  
12 ~~traps listed in this subsection for the purpose of protecting people~~  
13 ~~from threats to their health and safety.~~

14       ~~(b) Nothing in this section prohibits the director from granting a~~  
15 ~~special permit to use traps listed in this subsection to a person who~~  
16 ~~applies for such a permit in writing, and who establishes that there~~  
17 ~~exists on a property an animal problem that has not been and cannot be~~  
18 ~~reasonably abated by the use of nonlethal control tools, including but~~  
19 ~~not limited to guard animals, electric fencing, or box and cage traps,~~  
20 ~~or if such nonlethal means cannot be reasonably applied. Upon making~~  
21 ~~a finding in writing that the animal problem has not been and cannot be~~  
22 ~~reasonably abated by nonlethal control tools or if the tools cannot be~~  
23 ~~reasonably applied, the director may authorize the use, setting,~~  
24 ~~placing, or maintenance of the traps for a period not to exceed thirty~~  
25 ~~days.~~

26       ~~(c) Nothing in this section prohibits the director from granting a~~  
27 ~~special permit to department employees or agents to use traps listed in~~  
28 ~~this subsection where the use of the traps is the only practical means~~  
29 ~~of protecting threatened or endangered species as designated under RCW~~  
30 ~~77.08.010.~~

31       ~~(d) Nothing in this section prohibits the director from issuing a~~  
32 ~~permit to use traps listed in this subsection, excluding Conibear~~  
33 ~~traps, for the conduct of legitimate wildlife research.~~

34       ~~(5) Nothing in this section prohibits the United States fish and~~  
35 ~~wildlife service, its employees or agents, from using a trap listed in~~  
36 ~~subsection (4) of this section where the fish and wildlife service~~  
37 ~~determines, in consultation with the director, that the use of such~~  
38 ~~traps is necessary to protect species listed as threatened or~~

1 ~~endangered under the federal endangered species act (16 U.S.C. Sec.~~  
2 ~~1531 et seq.)) violation of subsection (1) of this section. To~~  
3 ~~prevent wastage, nothing in this section prohibits the sale, barter, or~~  
4 ~~trade of an animal carcass or pelt, or the donation of an animal~~  
5 ~~carcass or pelt for scientific research or public health training~~  
6 ~~lawfully taken under this title.~~

7 (3)(a) All trapping of wild animals using body-gripping traps must  
8 be conducted by trappers licensed by the department under RCW  
9 77.65.450, under a permit from the director, and in accordance with the  
10 rules developed by the commission as they relate to wildlife trapping.  
11 However, nothing in this section prohibits the use of commonly used  
12 traps by public or private property owners or their agents operating on  
13 their property to control the following nuisance wildlife: Moles,  
14 mice, rats, mountain beavers, gophers, and nutria.

15 (b) Furbearing mammals may not be taken from the wild and held  
16 alive for sale or personal use. All trapping of furbearing mammals  
17 must be conducted in furtherance of a wildlife trapping program being  
18 implemented by the department for an animal problem, for scientific  
19 research, or for mammal population management as defined by the  
20 commission by rule.

21 (c) Wildlife unintentionally trapped while trapping to manage an  
22 animal problem, or while conducting scientific research, must, if  
23 possible, be released unharmed immediately upon discovery. The  
24 commission may adopt by rule or guideline procedures for the handling  
25 of any animal that is unable to be released unharmed.

26 (d) Lawfully trapped wild animals, if not intended for release,  
27 must be humanely dispatched, or if intended for release, must be either  
28 immediately released or immediately taken to a rehabilitation center,  
29 if necessary. The commission may adopt by rule or guideline procedures  
30 for the humane dispatch of captured animals.

31 (4)(a) It is unlawful for a licensed trapper to fail to complete  
32 and submit to the department a report of catch postmarked on or before  
33 April 20th of each year. The report must be submitted to the  
34 department regardless of trapping success, and indicate the number,  
35 general location, and species of all animals captured, including those  
36 animals captured that were not part of an animal problem. The report  
37 must also include details for domestic pets captured in traps, the  
38 circumstances for each specific incident, and if the domestic pet was

1 injured or released unharmed. Trappers who fail to submit an accurate  
2 report of catch shall have their trapping privileges suspended for one  
3 year. False reports are considered failure to report. It is the  
4 responsibility of each licensed trapper to obtain and submit a report  
5 of catch on forms provided by the department.

6 (b) The department shall maintain and analyze all catch reports  
7 received pursuant to (a) of this subsection. Data collected on catch  
8 reports must be presented to the appropriate legislative committees by  
9 November 30th of each year.

10 (5) Federal wildlife management agencies and their employees and  
11 agents, while acting lawfully within the scope of their authority, are  
12 not subject to the provisions of this section.

13 (6) A person violating this section is guilty of a gross  
14 misdemeanor.

15 NEW SECTION. Sec. 4. A new section is added to chapter 77.12 RCW  
16 to read as follows:

17 The commission shall adopt appropriate rules regarding the types of  
18 traps and bait for use in capturing wildlife to ensure the humane  
19 treatment of captured animals. In adopting these rules, the commission  
20 may take into consideration the effectiveness of various trap sizes,  
21 approved best management practices, and the habitats in which the traps  
22 may be used. These rules must address the time intervals during which  
23 specific traps must be checked and animals removed. These rules may  
24 not allow for the use of traps with teeth or serrated edges or a neck  
25 or body snare attached to a spring pole or any spring pole type device.  
26 The commission must also adopt rules for the appropriate disposal of  
27 carcasses.

28 NEW SECTION. Sec. 5. A new section is added to chapter 77.12 RCW  
29 to read as follows:

30 The department shall institute a furbearer management program that  
31 addresses animal problems and shall only issue programmatic trapping,  
32 conditional use, or restricted use trapping permits, as those terms are  
33 defined in RCW 77.08.010, and trapping licenses or propose rules  
34 consistent with this program.

1       **Sec. 6.** RCW 77.65.450 and 1991 sp.s. c 7 s 3 are each amended to  
2 read as follows:

3       A state trapping license in combination with a programmatic  
4 trapping permit, conditional use trapping permit, or restricted use  
5 trapping permit from the director allows the holder to trap fur-bearing  
6 animals throughout the state in accordance with the rules adopted by  
7 the commission under section 4 of this act; however, a trapper may not  
8 place traps on public or private property without permission of the  
9 owner, lessee, or tenant where the land is improved and apparently  
10 used, or where the land is fenced or enclosed in a manner designed to  
11 exclude intruders or to indicate a property boundary line, or where  
12 notice is given by posting in a conspicuous manner. A state trapping  
13 license is void on April 1st following the date of issuance. The fee  
14 for this license is thirty-six dollars for residents sixteen years of  
15 age or older, (~~fifteen~~) twenty dollars for residents under sixteen  
16 years of age, and (~~one~~) two hundred (~~eighty~~) dollars for  
17 nonresidents. Licensed trappers age fifteen years and younger must be  
18 under the direct supervision of a licensed adult trapper when engaged  
19 in trapping activities. The fee for a programmatic trapping permit for  
20 residents sixteen years of age or older and nonresidents, for animal  
21 problems as that term is defined in RCW 77.08.010, is twelve dollars  
22 and fifty cents. A trapping license is valid for using body-gripping  
23 traps in combination with a permit for the control of animal problems,  
24 as that term is defined in RCW 77.08.010, or for scientific research.  
25 The live capture of raptors for falconry, or scientific research, by  
26 use of a foot snare or other body-gripping trap may also be authorized  
27 by rule of the commission.

28       **Sec. 7.** RCW 77.65.460 and 1987 c 506 s 82 are each amended to read  
29 as follows:

30       All persons purchasing a state trapping license (~~for the first~~  
31 time)) after July 1, 2005, shall (~~present certification of completion~~  
32 of)) complete a course of instruction in safe, humane, and proper  
33 trapping techniques or pass an examination to establish that the  
34 applicant has the requisite knowledge. Licensed trappers who have been  
35 active in state-regulated trapping since November 2002 are exempt from  
36 this provision.

1       The director shall establish a program for training persons in  
2 trapping techniques and responsibilities in urban, suburban, and rural  
3 settings, including the use of trapping devices designed to painlessly  
4 capture or instantly kill. The director shall cooperate with  
5 ~~((national and state animal, humane))~~ recognized Washington state based  
6 animal shelters, wildlife rehabilitation centers, and similar entities  
7 providing animal care and rehabilitation services, hunter education,  
8 and Washington stated based trapping organizations in the development  
9 and instruction of ~~((a curriculum))~~ trapper training. Upon successful  
10 completion of the course, trainees shall receive a trapper's training  
11 certificate signed by an authorized instructor. This certificate is  
12 evidence of compliance with this section.

13       **Sec. 8.** RCW 77.32.545 and 1998 c 190 s 121 are each amended to  
14 read as follows:

15       A property owner, lessee, or tenant may remove a trap placed on the  
16 owner's, lessee's, or tenant's posted or fenced property by a trapper.

17       A property owner, lessee, or tenant who discovers a trap placed on  
18 any portion of his or her property that is not authorized by the owner,  
19 lessee, or tenant, may report the finding to the department, including  
20 whether a live animal is captured in the trap. The commission may  
21 adopt by rule or guideline procedures for the handling of live animals  
22 discovered in such traps.

23       Trappers shall attach to the chain of their traps or devices a  
24 legible metal tag with either the department identification number of  
25 the trapper or the name and address of the trapper in English letters  
26 not less than one-eighth inch in height.

27       When a property owner, lessee, or tenant presents a trapper  
28 identification number to the department for a trap found upon the  
29 property of the owner, lessee, or tenant and requests identification of  
30 the trapper, the department shall provide the requestor with the name  
31 and address of the trapper. Prior to disclosure of the trapper's name  
32 and address, the department shall obtain the name and address of the  
33 requesting individual in writing and after disclosing the trapper's  
34 name and address to the requesting individual, the requesting  
35 individual's name and address shall be disclosed in writing to the  
36 trapper whose name and address was disclosed.

1       **Sec. 9.** RCW 77.15.198 and 2003 c 53 s 376 are each amended to read  
2 as follows:

3       In addition to appropriate criminal penalties, the director shall  
4 revoke the trapping license of any person convicted of a repeat  
5 violation of RCW 77.15.194 or 77.15.196. The director shall not issue  
6 the violator a trapping license for a period of five years following  
7 the revocation. (~~Following a subsequent conviction for a violation of~~  
8 ~~RCW 77.15.194 or 77.15.196 by the same person, the director shall not~~  
9 ~~issue a trapping license to the person at any time.~~) A person may not  
10 be granted a new trapping license following a revocation under this  
11 section unless that person completes the education program outlined in  
12 RCW 77.65.460 not more than one year before a new license is granted.

13       NEW SECTION. **Sec. 10.** RCW 77.15.192 (Definitions) and 2001 c 1 s  
14 2 are each repealed.

15       NEW SECTION. **Sec. 11.** This act is necessary for the immediate  
16 preservation of the public peace, health, or safety, or support of the  
17 state government and its existing public institutions, and takes effect  
18 immediately.

--- END ---